

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

CASE NO. 4:19-CV-00957

**CLASS PLAINTIFFS' UNOPPOSED MOTION TO SEAL THEIR MEMORANDA
OF LAW IN OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY
JUDGMENT (DKT. 445, 446, 449) AND DECLARATION AND EXHIBITS
SUBMITTED THEREWITH (DKT. 444)**

Class Plaintiffs in the above-captioned action respectfully request leave to file under seal unredacted copies of their Memoranda of Law in (1) Opposition to Defendants HPS Investment Partners, LLC's, ARM Energy Holdings LLC's, and Bayou City Energy Management LLC's Motion for Summary Judgment (Dkt. 445); (2) Opposition to Defendant Donald Dimitrievich's Motion for Summary Judgment (Dkt. 446); and (3) Opposition to Defendant William McMullen's Motion for Summary Judgment (Dkt. 449); and the transmittal declaration of Andrew J. Entwistle¹ in support of those oppositions together with the exhibits thereto (Dkt. 444) (collectively, the "Opposition Papers"). The Defendants do not object to the relief sought in this motion.

¹ Declaration Of Andrew J. Entwistle In Support Of Class Plaintiffs' Oppositions To Motions For Summary Judgment By (A) Defendants HPS Investment Partners, LLC, ARM Energy Holdings LLC, and Bayou City Energy Management LLC; (B) Defendant Donald Dimitrievich; And (C) Defendant William McMullen ("Entwistle Declaration").

As grounds for this motion, Class Plaintiffs state as follows:

1. On August 17, 2021, the Court entered the Stipulation and Protective Order (“PO”), which governs the handling of confidential information exchanged in discovery in this matter.

2. According to Paragraph 24 of the PO, “[i]f any party submits Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material to the Court, the submission must be filed only under seal on CM/ECF if filed electronically[.]” PO at ¶ 24 (emphasis added).

3. The Opposition Papers contain, describe and refer to non-public documents and information that has been designated by the parties and nonparties as Confidential Discovery Material and (variously) Confidential Attorney Eyes Only Discovery Material, pursuant to the PO.

4. On September 20, 2023, prior to filing of their Opposition Papers, Class Plaintiffs asked counsel for all defendants and counsel for the Direct Action Plaintiffs by email if they opposed to the filing of the Opposition Papers, and counsel for all parties stated by email that they have no objections.

5. Today, Class Plaintiffs filed the Opposition Papers under seal. Class Plaintiffs will file public, redacted versions of the Opposition Papers within five (5) business days.

6. Class Plaintiffs are bound by the provisions of the agreed-upon Protective Order that this Court ordered on August 17, 2021, and therefore must seek leave to file their Opposition Papers under seal.²

THEREFORE, Class Plaintiffs request that the Court grant their request for leave to file under seal unredacted copies of their Memoranda of Law in (1) Opposition to Defendants HPS Investment Partners, LLC's, ARM Energy Holdings LLC's, and Bayou City Energy Management LLC's Motion for Summary Judgment (Dkt. 445); (2) Opposition to Defendant Donald Dimitrievich's Motion for Summary Judgment (Dkt. 446); and (3) Opposition to Defendant William McMullen's Motion for Summary Judgment (Dkt. 449), as well as the Entwistle Declaration and exhibits thereto (Dkt. 444).

² Class Plaintiffs note that under Paragraph 14 of the Protective Order, any party may seek a meet and confer within five days of filing of documents under seal to discuss whether any or all of the documents require being submitted under seal, or should remain under seal, in accordance with the law governing the sealing of documents. If the parties are unable to reach agreement, any party objecting to the filing under seal may file a motion to unseal.

Dated: September 21, 2023

Respectfully submitted,

/s/ Andrew Entwistle

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CERTIFICATE OF SERVICE

I certify that this motion has been served on counsel of record via the Court's ECF system on September 21, 2023.

/s/ Andrew J. Entwistle

Andrew J. Entwistle

CERTIFICATE OF CONFERENCE

I certify that on September 20, 2023, counsel for Class Plaintiffs conferred with counsel for all parties regarding the substance of this Motion. No parties opposed.

/s/ Andrew J. Entwistle

Andrew J. Entwistle